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## **President Ben Shelly Vetoes Navajo Nation Smoking Regulation Act of 2011**

**Window Rock, AZ**—Navajo Nation President Ben Shelly today vetoed the Navajo Nation Smoking Regulation Act of 2011, passed during the summer session of the Navajo Nation Council.

“Today, I am overturning the Council’s decision based on seven outlined areas stated in my letter to the Council,” said President Ben Shelly as he vetoed CJY-29-11. “I ran on a platform of health, education, economic prosperity, open government and technology. I re-pledge my commitment to protect our Navajo People from cancer or diseases caused by exposure to secondhand smoke or tobacco use. All partners such as Navajo Division of Health, Division of Public Safety, Judicial Branch, and the Navajo Nation Gaming Enterprise should work together to draft a bill that considers a ‘healthy lifestyle for the Navajo people.’ The passage of this legislation does not adequately address any given employees who are subjected to a smoking workplace environment.”

President Shelly’s justification letter to the Council included the following issues regarding economic loss, designated non-smoking sections, Reasonable Distance Subsection 426, Under Section 2 Findings, enforcement, and ceremonial and traditional tobacco use. Listed below are the excerpts from the letter:

1. The Legislation lacks the language needed to emphasize the importance of protecting Navajo infants and children, and those individuals who may lack the ability to protect themselves from the dangers of smoke or smokeless tobacco.
2. Although the Legislation identifies “public places”, it does not specifically highlight those places such as, schools, playgrounds, parks, or places where it is of the highest priorities to prohibit and encourage a healthier environment.
3. In § 426, the language “reasonable distance” is utilized without a definition of reasonable distance. Because civil penalties will be imposed.
4. In regards to ceremonial and traditional tobacco use, the definitions section or the legislation itself does not properly expound on the traditional use of tobacco for ceremonial purposes.
5. The Gaming exception – the Legislation lacks language on how the Gaming Enterprise will work with the Division of Health. This legislation should have included at least a directive between the entities and other divisions or programs, if appropriate to establish a cooperative relationship while the Gaming Enterprise is allowed the exception.
6. The Legislation needs to properly set up, either administratively or legislatively, the funding contribution the Gaming Enterprise is directed to pay toward smoking prevention. The amount of \$150,000 was not discussed or analyzed.

7. In “Section 4. Navajo Nation Repayment Period”, the following language is suggested to replace current language in paragraph “B.” Upon the repayment by the Navajo Nation Gaming Enterprise of all financing debt listed in Resolution CJY-29-11, Section 2 (G) and (H), the Enterprise will implement a smoking ban at the direction of the Navajo Nation Council . Or similar language to ensure the amount listed will not increase allowing additional time for pay off.

In April, the president signed executive order 02-2011, protecting employees and the public from exposure to all commercial tobacco products in the workplaces and public places.

On May 31, he strengthened his the pledge to health and wellness of the Navajo people and directed the Division of Health to work on developing legislation to support his executive order, which coincided with the Navajo Nation Commercial Tobacco Free Day of 2011.

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